

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):      A. NAKADA                      CONF NO:      1276  
SERIAL NO.:      09/832,488                      ART UNIT:      2445  
FILING DATE:      04/11/2001                      EXAMINER:      BHATIA, AJAY M  
TITLE:      MESSAGE HANDLING METHOD, FOR MOBILE AGENT IN A  
                    DISTRIBUTED COMPUTER ENVIRONMENT  
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DOCKET NO.:      954-007861-US (DO1)

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**REQUEST FOR PRE-APPEAL BRIEF CONFERENCE REVIEW**

Applicant respectfully requests the review of clear errors made with respect to the rejection of claims 7, 18 and 22-34.

Claims 7, 18 and 22-34 are not unpatentable under 35 U.S.C. 102(b) as being anticipated by Venners.

It is well known that "An anticipatory reference must show all of the limitations of the claims arranged or combined in the same way as recited in the claims". See *Vizio Inc. v. ITC*, 95 USPQ2d 1353, 1363.

Claims 7, 18 and 34 recite "...a conversation part object including a conversation thread control part controlling the plurality of conversation threads". There is no disclosure in Venners of the claimed conversation part object. Also, there is no disclosure in Venners of a conversation thread control part controlling a plurality of threads as presently recited. The Examiner has cited Venners, p. 1, ll. 65-84, and p. 2, ll. 5-15, as disclosing this feature. In particular, the use of the word "agents" is cited. However, there is no disclosure that the agents are conversation threads nor is there a conversation thread control part disclosed. Further, the cited "mobile code" and "aglet migrates" fail to disclose the claimed features discussed above.

Thus claims 7, 18 and 34 and their dependent claims are patentable.

Claim 18 further recites "computer usable non-transitory medium". The Examiner has provided no citation for this feature, and it is totally missing from Venners. Thus claim 18 is additionally patentable for this reason.

Thus, the rejection of claims 7, 18 and 22-34 under 35 U.S.C. 102(b) as being anticipated by Venners should be withdrawn.

Claims 22, 23, 28, 29, and 34 all recite "agent manager", while the cited portions of Venners disclose agents, there is no disclosure therein of an agent manager. For this additional reason, these claims are patentable.

Claims 24 and 30 recite serialization of said plurality of conversation threads, while claims 26 and 32 recite deserialization of the plurality of conversation threads. Claim 34 recites both serialization and deserialization of said plurality of conversation threads. This is totally missing from Venners since as explained above, there is no disclosure of conversation threads, let alone a plurality of them. Thus, claims 24, 26, 30, 32 and 34 are additionally patentable for this reason.

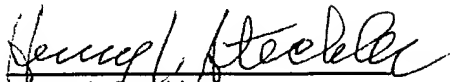
Claim 25 recites that the serialization is by a mobile agent framework, while claim 27 recites that the deserialization is by a mobile agent framework. This is totally missing from Venners since the cited portion does not disclose mobile agents, nor does any other portion. For this additional reason, claims 25 and 27 are patentable.

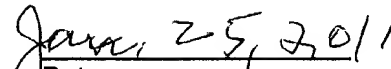
Possibly, the Examiner is relying on the doctrine of inherent anticipation for the missing matter in Venners. However, for this doctrine to apply, extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill". See *Continental Can Co. USA Inc.v. Monsanto Co.*, 20 USPQ2d 1746, 1749. No such showing has been made herein.

The above issues are clear error correctable by Pre-Appeal Conference Review. It is requested that the application be returned for further prosecution prior to appeal.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-0510.

Respectfully submitted,

  
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Date

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